

ORDINANCE NO. 12-76

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 22 ENTITLED "CODE ENFORCEMENT" ARTICLE III ENTITLED "CITATION ENFORCEMENT PROCEDURES" DIVISION 3. ENTITLED "ENFORCEMENT PROCEDURES" OF THE CODE OF ORDINANCES AND IN PARTICULAR REVISING SECTION 22-184 "CIVIL PENALTIES" TO INCREASE THE FINE AMOUNT ASSESSED AS AN INITIAL AND DAILY CIVIL PENALTY FOR A CODE OR ORDINANCE VIOLATION FROM \$50.00 TO \$100.00 FOR A FIRST OFFENSE AND FROM \$100.00 TO \$200.00 FOR A REPEAT OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of health, safety and general welfare of the community and the residents of the City of Hialeah to enforce the provisions of its code to preserve order and quality of life in our community; and

WHEREAS, the purpose and intent of this ordinance is to increase the fine amounts assessed an initial, repeat and daily civil penalty for violations of the provisions of the City Code to deter future code violations; and

WHEREAS, the increase in civil penalties for citations represents the first increase since the citation procedures were enacted in 1994.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 22 entitled "Code Enforcement" of the Code of Ordinances of the City of Hialeah, Florida, particularly Article III. Citation Enforcement Procedures, Division 3. Enforcement Procedures, is hereby amended to read as follows:

Chapter 22

CODE ENFORCEMENT

* * *

**ARTICLE III. CITATION ENFORCEMENT
PROCEDURES**

* * *

DIVISION 3. ENFORCEMENT PROCEDURES

* * *

Sec. 22-184. Civil Penalties.

(a) A person who receives a citation from a code inspector for a code or ordinance violation has committed a civil infraction and shall be subject to a fine in accordance with the following schedule:

(1) For the first citation, by a civil penalty of ~~\$50.00~~ \$100.00 or a penalty representing a fine amount exceeding ~~\$50.00~~ \$100.00 imposed by other provisions of this Code;

(2) ~~for~~For a citation which includes a repeat violation, by a civil penalty of ~~\$100.00~~ \$200.00 or a penalty representing a fine amount exceeding ~~\$100.00~~ \$200.00 imposed by other provisions of this Code;

* * *

(4) Continuing violations shall carry a civil penalty, not to exceed ~~\$50.00~~ \$100.00 per day, for each day the violation continues. Repeat violations shall carry a civil penalty, not to exceed ~~\$100.00~~ \$200.00 per day, for each day the violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector; and

* * *

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 13 day of November, 2012.

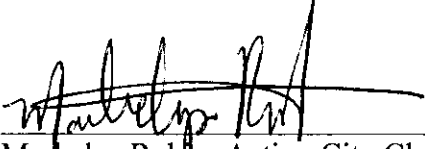
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Isis Garcia-Martinez
Council President

Attest:

Approved on this 15 day of Nov, 2012.



Mambelys Rubio, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough indicates deletion.~~ Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".